

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

In Re: Bard IVC Filter Products Liability
Litigation

No. MDL15-2641 PHX DGC

Rebecca Cooke,

No. CV19-00629 PHX DGC

Plaintiff,

ORDER

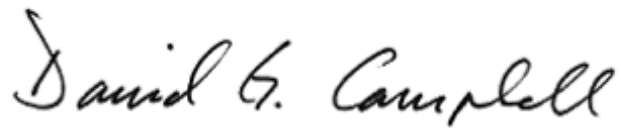
v.

C.R. Bard, Inc., et al.,

Defendants.

The Court has received the attached email from Plaintiff Rebecca Cooke. By **July 22, 2020**, the law firm of Matthews and Associates shall file a memorandum addressing Ms. Cooke's concerns and explaining why the firm has not responded to her many inquiries. The Court is entering this order in part because it has received and continues to receive many complaints and inquiries from clients of Matthews and Associates, and is considering whether additional action is warranted.

Dated this 8th day of July, 2020.



David G. Campbell
Senior United States District Judge

From: Becky Cooke <becky.cooke.4@gmail.com>

Sent: Monday, July 6, 2020 8:03:53 PM

To: AZDdb_Campbell Chambers <Campbell_Chambers@azd.uscourts.gov>

Subject: IVC Filter Litigation - Matthews and Associates

Hello Judge Campbell. My name is Rebecca Cooke and I am writing this email concerning the actions, or the lack of, for the attorneys of Matthew and Associates. I was notified of the process and started it over 2 years ago. My case was due to the IVC filter that I had inserted and after 3 failed attempts surgically, it can not be removed. Once I notified them of my situation, I was sent paperwork and put under tight deadlines of which they wanted to make sure that I understood I needed to reach those. That is exactly what I did and carried through with.

I understand very much that a large class action of this sorts may require some time. The issue I have had with Matthew and Associates is the communication and lack of response to requests when I requested it.

- I have called many times and asked for an attorney handling the case to give me a call back, yet no return call.
- I have sent multiple emails to their office that I located on their website asking to speak to an attorney, yet no reply.
- Initially I was getting very concerned because this law office had my medical records and other personal information and i wanted to speak to an attorney as i was uneasy in the process and had never went through anything like this. All I was asking for at the beginning was just information on how the process works and nobody could give me that information. When i demanded to speak with he attorney, all i ever got was "I will give the attorney a message".
- There were many times when I did call and would get a customer service rep and they were very rude and would say they did not have any information to give me other than the process is taking longer than they thought it would take.
- I received a letter dated June 7th that put me in a no-surgical class and I called and disputed that and asked then for a return call. No call and then received another letter dated June 10th stating that the letters that were sent out was sent out incorrectly and to disregard the class.
- Each time that I called for an update I would honor their deadlines and not call before that time that they gave. Most times it was 6-8 weeks but at the beginning it was usually 3-6 months.
- I then received a letter that was dated August 21st of 2019 as to what the settlement would be. I called to discuss it with an attorney b/c i felt like going through 3 failed attempts to remove the filter was substantial to my life and at that time one of the office

reps called me back. Actually he was very nice and explained things very well. I still didn't agree with it but i was pretty much told since it had not taken my life, that is the reason that I got the settlement that I received. At that time I did not feel very comfortable about the determination and tried to see further help and could not get any at that point from anyone. When I called back again I was told that there was a deadline to sign and get the letter back or it would not be considered in the settlement. I made sure that I got all that they asked for back within the deadline that was needed. All paperwork had to be sent back by September 10th of 2019.

- From that time I was told that the settlement would be split in 2 payments. The first payment would be within 3 months and the remaining would be within 6-8 weeks. That time came and passed and for a good 6 months I was told that not everyone had their paperwork in so they could not pay any of the settlement out till that was in. When I asked why they did not give them the same guidelines that I was given, I was told that if they did not have a percentage of the paperwork back they could not proceed. Which I questioned then translated to, the attorney's didn't want to proceed till they got the majority back due to affecting their funding for services.
- I started calling again at the start of the year of 2020 and then was finally told that due to the Covid-19 it had affected the payout and they had not received the money from the Lien holder. The funds had not been released to them yet.
- After much frustration and again of not getting any calls back from an attorney, I started searching the internet myself to find more answers out. At that point is when I then found what courts the litigation went through. I then spoke with your assistant, Nancy, and she reached out to the office for me. Within a few days I had received a text message, May 3rd, from them stating that they have received approval to distribute partial payments however the final lien payments were still pending. In that same text that they did not have any anticipated time and to check back with them in 6 weeks to see if Archer had released the funds at that time.
- I then called back again after 6 weeks to check on the status and was again told that due to Covid-19 the lien holder had not released all funds to disperse to clients and that they had no anticipated time for when that would happen.
- I then called Nancy again at your office to see if she could give me any other input and she offered to reach out to them again for me. She called and spoke with the office and within a couple of days attorney Lizzy Santiago called me. That was the FIRST time in the 2+ years that I have ever spoken with an attorney from the office. She was not very pleasant to speak with and very defensive when I asked questions and asked for answers as to what is or has taken place. She told me on the phone to not reach back out to your office any further because it was not your place to help and could not handle anything. I expressed to her how I had been treated over the past 2 years and all she could say was that these cases can take a long time. I expressed to her that I could understand that however, when you present deadlines to your clients we have no option but to hit those deadlines and why can your office not offer the same respect in return.

- I then asked her what she wanted me to do at this point. She stated she would give me a call back and if I had not heard from her by Wednesday, July 1st, to give her a call back and said that she would make a note on my file so that they would transfer me right to her. July 1 came and went and no follow up call. I called the office on July 2nd and asked for her and they put me through to her assistant. I expressed to the representative what Ms. Santiago had stated however, they still sent me to the voicemail of her assistant. July 3rd came and no return call so I called and left another message on their machine and to this day, I still have not received a call back from her or anyone in her office.

I am reaching out to you for further assistance as I am feel as if I do not trust what they are telling me and that I am just getting the run around. Nothing that they have said have the stuck by. I have even expressed that the attorney fees should be little to none as they have not done anything for me to provide assistance as an attorney. I don't know what my rights are at this point or what I should do further. I did find the lien holder for the litigation and have reached out to them to ask them to call me but that was just over the holiday. I don't know that they can or that they will. I honestly have no idea where or what I can do from here. I can not get any definite answers from them that they hold up to. My gut feels as though they have received the lien settlement and are just not dispersing those. I have never in my life ever had to deal with an office as unpleasant and difficult as this office. They are not their for their clients and do not care at all.

I appreciate up front any and all help that you can provide. Just in the times that I have spoke with Nancy is more than they have done in 2+years as my attorney.

Thank you and have a great day!

Becky Cooke

C - 423.400.3179